

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

GARY LANE P.,

Plaintiff,

v.

No. 1:20-CV-068-H-BU

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

ORDER

United States Magistrate Judge John R. Parker made Findings, Conclusions, and a Recommendation (FCR) in this case on July 19, 2021. Dkt. No. 18. The Court adopted Judge Parker's recommendation that the decision of the Commissioner of Social Security be reversed and that the case be remanded to the Commissioner for further proceedings. Dkt. No. 19; *see* Dkt. No. 18 at 17.

Plaintiff then filed a motion for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. Dkt. No. 21. The Commissioner filed a response indicating that the plaintiff is entitled to the full amount he seeks.* Dkt. No. 22. Judge Parker made findings, conclusions, and a recommendation as to plaintiff's motion, and recommends that the plaintiff's motion be granted in full. Dkt. No. 23 at 2. Judge Parker also independently concluded that the rates and work performed by plaintiff's attorney were both reasonable. *Id.* No objections to Judge Parker's FCR on plaintiff's motion for attorney's fees were filed, so the Court has reviewed it for plain error only. Having found none, the Court accepts the

* The Commissioner is correct that, pursuant to 31 U.S.C. § 1304, the \$400 filing fee is to be paid by the Department of the Treasury from the Judgment Fund. Dkt. No. 22 at 1.

FCR of the United States Magistrate Judge. Pursuant to the Equal Access to Justice Act, the plaintiff's motion (Dkt. No. 21) is granted, and he is hereby awarded \$8,644.94 in attorney's fees and \$400 in costs.

So ordered on February 8, 2022.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE